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10/521,110	07/12/2005	Toni Paila	4208-4233	7098
27123	7590	04/10/2008	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			ZEWDU, MELESS NMN	
ART UNIT		PAPER NUMBER		
		2617		
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/521,110	<b>Applicant(s)</b> PAILA ET AL.
	<b>Examiner</b> Meless N. Zewdu	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 and 23-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 and 23-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the communication filed on 12/04/07.
2. Claims 20-22 were previously cancelled.
3. Claims 23-25 have been added.
4. Claims 1-19 and 23-25 are pending in this action.
5. This action is final.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "**first level**", "**second level**", "**quantity of announcement information indicator**", "**display**", and "**category**" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Furthermore, the drawings are objected because several boxes in fig. 3 are not labeled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claims 1, 7, 9, 13, 19 and 23-25 are objected to because of the following informalities: the limitations in these claims are not separated by semi-colon or (:) as required. Instead, commas or (,) are used, which is not appropriate. Appropriate correction is required.

***Specification***

The amendment filed 12/04/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "wherein the first level is lower than the second level!" does not have support in the specification. On the contrary,

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the specification supports "a second level being lower than the first level", but not otherwise. Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 7-10, 13-14, 19 and 23-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The feature, "wherein the first level is lower than the second level" is not described in the specification, in a manner as claimed, and it is not clear what it means. For examination purpose, examiner interprets the phrase as to mean "wherein the second level is lower than the first level" as provided in the PGPUB (paragraph 0036) of the application.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable -- broadcasting or multicasting at the second level

information identifying a transport format of the first level announcement. On the contrary, the first level announcement includes transport format for sap sdp. Furthermore the specification states, "announcement messages at the lowest level give the transport protocol (e.g. RTP/UDP/IP) and the format of the media." But, it does not say it gives it (the transport format) to the first level.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-16, 19 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (Bell) (US 7,181,526) in view of Chernock et al. (Chernock) (US 6,806,887 B2).

**As per claim 1: Regarding claim 1, 7, 9, 13 and 19:** Bell discloses a method comprising:

broadcasting or multicasting, one or more announcements on a first level of hierarchical structure, and one or more announcements relating to a category of an information service (see col. 3, lines 10-35; col. 5, line 64-col. 6, line 35), and broadcasting or multicasting on a second level of the hierarchical structure (see col. 3, lines 10-35):

data indicating a category to which the one or more announcements transmitted at the first level relate (see col. 3, lines 10-14, 30-35; col. 3, line 64-col. 4, line 7). But Bell does not explicitly teach about --- data indicating the quantity of announcements information constituting the one or more first level announcements, wherein the second level is lower than the first level, as claimed by applicant. However, in the same field of endeavor, Chernock teaches about personalized data delivery system (abstract) wherein, using selectable categories of information, each of which includes lower hierarchical levels (see figs. 2, 3A-3B; col. 9, lines 22-57; col. 11, lines 33-57), wherein the second level is lower than the first and includes more detail information, related to the first category, like runs, hits, errors, current inning, number of outs, etc., (which are indicators of quantity of data or information), for a baseball game (see col. 12, lines 10-26). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Bell with that of Chernock for the benefit of enabling Bells system to integrate personalized data with visual content (see col. 1, lines 7-9).

**As per claim 2:** Bell teaches about a method, in which a second level is immediately below the first level (see col. 3, lines 10-35; col. 6, lines 61-67). A top level requires a lower level or a plurality f levels include a first and a second.

**As per claim 3:** Bell teaches about a method, further comprising broadcasting or multicasting at the second level information identifying a location of access of the first level announcement (see col. 3, lines 6-9; col. 8, lines 65-67; col. 9, lines 1-29; col. 10, lines 6-11; claims 9-11).

**As per claim 4:** Bell teaches about a method, further comprising broadcasting or multicasting at the second level information identifying a timeout value (see col. 1, lines 22-31, lines 51-64; col. 4, lines 17-24; col. 6, lines 14-34). Session/run time inherently includes time to start and end/out.

**As per claim 5:** Bell teaches about a method, further comprising broadcasting or multicasting at the second level information identifying a transport format of the first level announcement ( see col. 1, lines 50-64; col. 6, lines 9-13; col.7, lines 17-48).

**As per claim 7:** the features of claim 7 are similar to the features of claim 1, except claim 7 is directed to an apparatus required to broadcast or multicast information using the steps of claim 1. However, since the steps of claim 1 are obviated by the prior art of record and the apparatus is required by the method, claim 7 is rejected on the same ground and motivation as claim 1.

**As per claim 8:** the feature of claim 8 is similar to the feature of claim 2. Hence, claim 8 is rejected on the same ground and motivation as claim 2.

**As per claim 9:** the features of claim 9 are similar to the features of claim 1, except claim 9 is directed to a method of receiving, via a receiver and controlling the receiver, for receiving broadcasting or multicasting information responsive to the broadcasting or multicasting steps of claim 1, which are taught by Bell (see col. 2, lines 10-28; col. 2, line 59-col. 3, line 10; 5, lines 45-63)

**As per claim 10:** the feature of claim 10 is similar to the feature of claim 2. Hence, claim 10 is rejected on the same ground and motivation as claim 2.

**As per claim 11:** Bell teaches about a method in which the controlling step includes directing the receiver to a location received as part of a relevant second level announcement (see col. 3, lines 6-9; col. 8, lines 65-67; col. 9, lines 1-29; col. 10, lines 6-11; claims 9-11).

**As per claim 12:** Bell about a method, further comprising receiving in connection with the second level announcement information indicating a timeout value ((see fig. 6, steps 650; col. 7, lines 51-64; col. 4, lines 17-24; col. 6, lines 14-34) and controlling the receiver to cease receiving announcement data for a period of time dependent the time value (see col. 1, lines 23-31, lines 50-64; col. 5, lines 45-63; col. 6, lines 14-34). It should be clear that if a user's time is up or interrupted or expired, he/she could re-log or reconnect to the broadcasting or multicasting and thus resume a desired session or start a new one.

**As per claim 13:** the features of claim 13 are similar to the features of claim 9. the combination of references applied to claim 1 and subsequently to claim 9, teach the claimed – data quantity (quantity of data) and period of time (session duration), as discussed in claims 1 and 9. Hence, claim 13 is rejected on the same ground and motivation as claims 1 and 9, particularly claim 9.

**As per claim 14:** the feature of claim 14 is similar to the feature of claim 2. Hence, claim 14 is rejected on the same ground and motivation as claim 2.

**As per claim 15:** the feature of claim 15 is similar to the feature of claim 3> Hence, claim 15 is rejected on the same ground and motivation as claim 3.

**As per claim 16:** the feature of claim 16 is similar to the feature of claim 12.

Hence, claim 16 is rejected on the same ground and motivation as claim 12.

**As per claim 19:** the features of claim 19 are similar to the features of claim 1, except a user interface being useable with an electronic program or service guide, wherein the user interface comprises a display module arranged to display a number of category options, which options are selectable by a user, which is taught by Bell (see col. 2, lines 10-28; col. 5, lines 45-63; col. 9, line 41-col. 10, line 3). Thus, claim 19 is rejected on the same ground and motivation as claim 1.

**As per claim 23:** the features of claim 23 are similar to the features of claim 1, except claim 23 is directed to the means required for performing the steps of claim 1. However, since the steps of claim 1 are obviated by the prior art of record and the means is required by the method, claim 23 is rejected on the same ground and motivation as claim 1.

**As per claim 24:** the features of claim 24 are similar to the features of claim 7, except claim 24 is directed to a means required by the apparatus of claim 24. However, since the apparatus is obviated by the prior art of record and the means is required by the apparatus, 24 is rejected on the same ground and motivation as claim 7.

**As per claim 25:** the features of claim 25 are similar to the features of claim 19, except claim 25 is directed to a means required by the user interface of claim 19. However, since claim 19 is obviated by the prior art of record and the means of claim 25 is required by the user interface of claim 19, claim 25 has been rejected on the same ground and motivation as claim 19.

Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 1 and 13 above, and further in view of Kelly et al. (Kelly) (US 6,993,009 B2).

**As per claim 6:** the references applied to claims 1` and 13 above do not explicitly teach about a broadcast or multicast, which an internet protocol datacast using time-slicing (TDMA), as claimed by applicant. However, in the same field of endeavor, Kelly describes that, it is known in the art (is conventional) --- in TDMA, access is controlled using a frame-based approach --- transmissions are grouped into frames that include a number of time-slices (see col. 3, line 65-col. 4, line 20) and also states that – the internet protocol (IP) is the most commonly used mechanism for carrying multicast data (see at least col. 1, lines 66-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to time-slicing broadcast/multicast data and using the internet protocol (IP) to multicast it, since the technique known in the art as evidenced by applicant's use of the same.

**As per claim 18:** the features of claim 18 are similar to the features of claim 6. Hence, claim 18 is rejected on the same ground and motivation as claim 6.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 1 and 13 above, and further in view of Kitson et al. (Kitson) (US 2003/0017857 A1).

**As per claim 17:** the references applied to claims 1 and 13 above do not explicitly teach about an apparatus, which is a portable, battery-powered receive, as claimed by applicant. However, in the same field of endeavor, Kitson teaches about a

wireless device local access system, wherein a wireless device (fig. 1, element 100; figs. 3-5) is able to receive user selectable broadcast menu(see paragraph 0023) using a menu structure which is transmitted for display on the wireless device (see paragraph 0020). Although batter is not explicitly mentioned, it is well known in the art that such a power source is used in portable wireless devices, and the presence/use of such a power source in Kitson's wireless device (100) should also be obvious. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the teaching of the references applied to claims 1 and 13 above with the teaching of Kitson for the advantage of broadcasting textual or character information on one or more wireless devices (see paragraph 0001).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne D can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-26-00.

/Meless N Zewdu/  
Primary Examiner, Art Unit 2617  
4/8/2008